

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**PATRICK BUSH and
KRASHINA MCMILLAN,**

CASE NO.: 1:21-cv-04727-LMM

Plaintiff,

vs.

**LAZER SPOT, INC., A
GEORGIA CORPORATION,**

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, PATRICK BUSH and KRASHINA MCMILLIAN (collectively “Plaintiffs”), by and through the undersigned attorney, sue the Defendant, LAZER SPOT, INC., (“Defendant”) a Georgia Corporation, and alleges:

1. Plaintiffs were employees of Defendant and bring this action for unpaid overtime compensation, liquidated damages, and all other applicable relief pursuant to the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (“FLSA”).

GENERAL ALLEGATION

2. Plaintiff Bush worked for Defendant from approximately August 2019 to December 2020.

3. Plaintiff McMillan worked for Defendant from approximately April 2020 to November 2020.

4. At all times, Plaintiffs were paid by the hour by Defendant.

5. Defendant, LAZER SPOT, INC., is a “yard management” provider with over 400 sites in the United States and Canada. *See* www.lazerspot.com.

6. Defendant’s headquarters and principal place of business is in Alpharetta, Georgia, which is in Fulton County, Georgia and within the jurisdiction of this Court.

7. This action is brought under the FLSA to recover from Defendant unpaid overtime compensation, liquidated damages, and reasonable attorneys’ fees and costs.

8. This Court has jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C. §1331 and the FLSA.

9. During Plaintiffs’ employment with Defendant, Defendant

earned more than \$500,000.00 per year in gross sales.

10. During Plaintiffs' employment with Defendant, Defendant employed two or more employees which handled goods, materials and supplies which had travelled in interstate commerce, including computers, vehicles, office equipment, telephones and other items.

FLSA VIOLATIONS

11. At all times relevant to this action, Defendant has failed to comply with the FLSA by failing to pay Plaintiffs complete overtime compensation.

12. During Plaintiffs' employment with Defendant, Plaintiffs were paid their regular hourly rate for all overtime hours worked.

13. Defendant classified Plaintiffs as exempt pursuant to the motor carrier exemption contained in the FLSA.

14. However, during their employment with Defendant, Plaintiffs did not move vehicles or trucks on public roads, and as such, would not be exempt under the motor carrier exemption.

15. Since Plaintiffs are actually non-exempt employees, Defendant has violated the FLSA due to its above described pay

practices in failing to pay Plaintiffs time and one-half of their hourly rate for overtime hours worked.

16. Upon information and belief, the records, to the extent any exist and are accurate, concerning the number of hours worked and amounts paid to Plaintiffs is in the possession and custody of Defendant.

COUNT I – RECOVERY OF OVERTIME WAGES

17. Plaintiffs reincorporate and readopt all allegations contained in paragraphs (1) through (16) above.

18. Plaintiffs were entitled to be paid overtime compensation for overtime hours worked.

19. During their employment with Defendant, both Plaintiffs worked overtime hours but were only paid their regular hourly rate instead of time and one-half their hourly rate for those overtime hours worked.

20. Defendant did not have a good faith basis for their decision to not pay Plaintiffs complete and proper overtime compensation for overtime hours worked.

21. Because of Defendant's intentional, willful, and unlawful acts in refusing to pay Plaintiffs proper compensation, Plaintiffs have suffered damages plus incurring reasonable attorneys' fees and costs.

22. Because of Defendant's willful violation of the FLSA, Plaintiffs are entitled to liquidated damages.

23. Plaintiffs demand a trial by jury.

WHEREFORE, Plaintiffs, PATRICK BUSH and KRASHINA MCMILLAN, demand judgment against Defendant for unpaid overtime wages, liquidated damages, reasonable attorneys' fees and costs incurred in this action, and any and all further relief that this Court determines to be just and appropriate.

Dated this 16th day of November, 2021.

/s/ C. RYAN MORGAN
C. Ryan Morgan, Esq.
Georgia Bar No. 711884
Morgan & Morgan, P.A.
20 N. Orange Ave., 15th Floor
Orlando, FL 32802-4979
Telephone: (407) 420-1414
Facsimile: (407) 245-3401
E-mail: RMorgan@forthepeople.com
Attorneys for Plaintiff